

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

ALAN FRAGUA,

Plaintiff,

v.

CV 16-1404 RB/WPL

AL CASAMENTO, Director,  
Sandoval County Detention Center,

Defendant.

**ORDER**

In response to Alan Fragua's Petition for Writ of Habeas Corpus for Relief from a Tribal Court Conviction Pursuant to 25 U.S.C. § 1303 (Doc. 1), Defendant Al Casamento argues that Fragua waived his right to counsel and to jury trial, and failed to exhaust available tribal remedies. (Doc. 6.) In support, Casamento attached an affidavit from the Honorable Allan R. Toledo, one of the presiding Tribal Court judges for the Pueblo of Jemez in the Governor's Court and, apparently, the judge who presided over Fragua's criminal case. (Doc. 6 Ex. 1.) Judge Toledo refers to several sections of the Pueblo of Jemez Tribal Code, but did not produce those sections. Additionally, Fragua attached an affidavit from Cynthia T. Gachupin, a former court clerk and court administrator for the Jemez Tribal Court, stating that criminal proceedings are recorded and stored on CDs, but did not produce the recording. (Doc. 7 Ex. 2.)

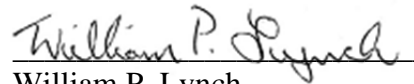
It is impossible to provide a reasonable recommendation to Judge Brack to resolve this case without all of the information. To that end, Casamento is ordered to produce Titles I, II, and III of the Pueblo of Jemez Tribal Code, in their entirety. Casamento will also provide to the Court the recording from Fragua's November 9, 2016, trial, in its entirety, and any additional

proceedings involving Fragua that led up to that trial. Casamento will also produce all records, electronic, paper, or otherwise, related to Jemez Pueblo v. Alan A. Fragua, No. CR 16-123.

I am sensitive to the Pueblo of Jemez's traditional policy of privacy. Casamento may produce the Tribal Code under seal, and Fragua is ordered to not disseminate or use any information contained therein, except as necessary in this case.

Casamento will produce this information no later than **5:00 p.m. on April 7, 2017.**

IT IS SO ORDERED.

A handwritten signature in dark ink, appearing to read "William P. Lynch", is written over a horizontal line.

William P. Lynch  
United States Magistrate Judge

A true copy of this order was served on the date of entry--via mail or electronic means--to counsel of record and any pro se party as they are shown on the Court's docket.